

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN ASSEMBLY MAY 14, 2014

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 578

Introduced by Senator Wyland

February 22, 2013

An act to add ~~Section 4980.49~~ *Sections 4980.49, 4989.51, 4993, and 4999.75*, to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Wyland. ~~Marriage and family therapists:~~ *Behavioral sciences:* records retention.

Existing law, ~~the Licensed Marriage and Family Therapist Act~~, provides for the licensure or registration and the regulation of marriage and family therapists, *licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors* by the Board of Behavioral Sciences, and makes a violation of ~~the law~~ *those laws* a misdemeanor.

This bill would require, for a *client or* patient whose therapy is terminated on or after January 1, 2015, a marriage and family therapist, *licensed educational psychologist, licensed clinical social worker, or licensed professional clinical counselor* to retain the *client's or* patient's health service records for a minimum of 7 years from the date therapy is terminated. The bill would, in this regard, require a minor *client's or* *minor* patient's health service records to be retained for a minimum of 7 years from the date the *client or* patient reaches 18 years of age.

Because a violation of ~~the bill~~ *these requirements* would be a crime, ~~it~~ *the bill* would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4980.49 is added to the Business and
2 Professions Code, to read:

3 4980.49. (a) A marriage and family therapist shall retain a
4 *client's or patient's* health service records for a minimum of seven
5 years from the date therapy is terminated. If the *client or* patient
6 is a minor, the *client's or patient's* health service records shall be
7 retained for a minimum of seven years from the date *client or* the
8 patient reaches 18 years of age.

9 (b) This section shall apply only to the records of a *client or*
10 patient whose therapy is terminated on or after January 1, 2015.

11 SEC. 2. Section 4989.51 is added to the Business and
12 Professions Code, to read:

13 4989.51. (a) A licensed educational psychologist shall retain
14 *a client's health service records* for a minimum of seven years
15 *from the date therapy is terminated. If the client is a minor, the*
16 *client's health service records shall be retained for a minimum of*
17 *seven years from the date the client reaches 18 years of age.*

18 (b) *This section shall apply only to the records of a client whose*
19 *therapy is terminated on or after January 1, 2015.*

20 SEC. 3. Section 4993 is added to the Business and Professions
21 Code, immediately following Section 4992.10, to read:

22 4993. (a) A licensed clinical social worker shall retain a
23 *client's or patient's health service records* for a minimum of seven
24 *years from the date therapy is terminated. If the client or patient*
25 *is a minor, the client's or patient's health service records shall be*
26 *retained for a minimum of seven years from the date the client or*
27 *patient reaches 18 years of age.*

1 ***(b) This section shall apply only to the records of a client or***
2 ***patient whose therapy is terminated on or after January 1, 2015.***

3 ***SEC. 4. Section 4999.75 is added to the Business and***
4 ***Professions Code, to read:***

5 ***4999.75. (a) A licensed professional clinical counselor shall***
6 ***retain a client's or patient's health service records for a minimum***
7 ***of seven years from the date therapy is terminated. If the client or***
8 ***patient is a minor, the client's or patient's health service records***
9 ***shall be retained for a minimum of seven years from the date the***
10 ***client or patient reaches 18 years of age.***

11 ***(b) This section shall apply only to the records of a client or***
12 ***patient whose therapy is terminated on or after January 1, 2015.***

13 ~~**SEC. 2.**~~

14 ***SEC. 5. No reimbursement is required by this act pursuant to***
15 ***Section 6 of Article XIII B of the California Constitution because***
16 ***the only costs that may be incurred by a local agency or school***
17 ***district will be incurred because this act creates a new crime or***
18 ***infraction, eliminates a crime or infraction, or changes the penalty***
19 ***for a crime or infraction, within the meaning of Section 17556 of***
20 ***the Government Code, or changes the definition of a crime within***
21 ***the meaning of Section 6 of Article XIII B of the California***
22 ***Constitution.***